

CASREF,STAYED,WEISMAN

**United States District Court  
Northern District of Illinois – CM/ECF LIVE, Ver 6.2.2 (Chicago)  
CIVIL DOCKET FOR CASE #: 1:17-cv-02768**

American Civil Liberties Union of Illinois et al v. U.S.  
Department of Homeland Security et al  
Assigned to: Honorable Robert M. Dow, Jr  
Referred to: Honorable M. David Weisman  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/12/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**American Civil Liberties Union of  
Illinois**

represented by **Natalie J. Spears**  
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**Plaintiff**

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**Plaintiff**

**American Civil Liberties Union of  
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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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**Plaintiff**

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Kentucky**

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V.

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**Defendant**

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| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 04/12/2017 | <u>1</u> | COMPLAINT <i>for Declaratory and Injunctive Relief for Violation of The Freedom of Information Act, 5 U.S.C. § 552 et seq.</i> filed by American Civil Liberties Union of Nebraska, Inc., American Civil Liberties Union of Iowa, Inc., American Civil Liberties Union of Ohio, Inc., American Civil Liberties Union of Wisconsin, Inc., American Civil Liberties Union of Kentucky, Inc., American Civil Liberties Union of Indiana, Inc., American Civil Liberties Union of South Dakota, Inc., The American Civil Liberties Union of Illinois, Inc., American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, Inc.; Filing fee \$ 400, receipt number 0752-13062151. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Spears, Natalie) (Entered: 04/12/2017) |
| 04/12/2017 | <u>2</u> | CIVIL Cover Sheet (Spears, Natalie) (Entered: 04/12/2017)  |
| 04/12/2017 | <u>3</u> | ATTORNEY Appearance for Plaintiffs American Civil Liberties Union of Indiana, Inc., American Civil Liberties Union of Iowa, Inc., American Civil Liberties Union of Kentucky, Inc., American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, Inc., American Civil Liberties Union of Nebraska, Inc., American Civil Liberties Union of Ohio, Inc., American Civil Liberties Union of South Dakota, Inc., American Civil Liberties Union of Wisconsin, Inc., The American Civil Liberties Union of Illinois, Inc. by Natalie J. Spears (Spears, Natalie) (Entered: 04/12/2017)  |
| 04/12/2017 | <u>4</u> | NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by All Plaintiffs (Spears, Natalie) (Entered: 04/12/2017)  |
| 04/12/2017 | <u>5</u> | ATTORNEY Appearance for Plaintiffs American Civil Liberties Union of Indiana, Inc., American Civil Liberties Union of Iowa, Inc., American Civil Liberties Union of Kentucky, Inc., American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, Inc., American Civil Liberties Union of Nebraska, Inc., American Civil Liberties Union of Ohio, Inc., American Civil Liberties Union of   |

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|            |           | South Dakota, Inc., American Civil Liberties Union of Wisconsin, Inc., The American Civil Liberties Union of Illinois, Inc. by Gregory R. Naron (Naron, Gregory) (Entered: 04/12/2017)  |
| 04/12/2017 | <u>6</u>  | ATTORNEY Appearance for Plaintiffs American Civil Liberties Union of Indiana, Inc., American Civil Liberties Union of Iowa, Inc., American Civil Liberties Union of Kentucky, Inc., American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, Inc., American Civil Liberties Union of Nebraska, Inc., American Civil Liberties Union of Ohio, Inc., American Civil Liberties Union of South Dakota, Inc., American Civil Liberties Union of Wisconsin, Inc., The American Civil Liberties Union of Illinois, Inc. by Patrick S. Kabat (Kabat, Patrick) (Entered: 04/12/2017)   |
| 04/12/2017 | <u>7</u>  | ATTORNEY Appearance for Plaintiffs American Civil Liberties Union of Indiana, Inc., American Civil Liberties Union of Iowa, Inc., American Civil Liberties Union of Kentucky, Inc., American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, Inc., American Civil Liberties Union of Nebraska, Inc., American Civil Liberties Union of Ohio, Inc., American Civil Liberties Union of South Dakota, Inc., American Civil Liberties Union of Wisconsin, Inc., The American Civil Liberties Union of Illinois, Inc. by Kathleen V. Kinsella (Kinsella, Kathleen) (Entered: 04/12/2017)   |
| 04/12/2017 | <u>8</u>  | ATTORNEY Appearance for Plaintiffs American Civil Liberties Union of Indiana, Inc., American Civil Liberties Union of Iowa, Inc., American Civil Liberties Union of Kentucky, Inc., American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, Inc., American Civil Liberties Union of Nebraska, Inc., American Civil Liberties Union of Ohio, Inc., American Civil Liberties Union of South Dakota, Inc., American Civil Liberties Union of Wisconsin, Inc., The American Civil Liberties Union of Illinois, Inc. by Rebecca Kim Glenberg (Glenberg, Rebecca) (Entered: 04/12/2017)  |
| 04/12/2017 |           | CASE ASSIGNED to the Honorable Robert M. Dow, Jr. Designated as Magistrate Judge the Honorable M. David Weisman. (nsf, ) (Entered: 04/12/2017)  |
| 04/12/2017 |           | SUMMONS Issued as to All Defendants, U.S. Attorney, and U.S. Attorney General. (kms) (Entered: 04/12/2017)  |
| 04/13/2017 | <u>9</u>  | MINUTE entry before the Honorable Robert M. Dow, Jr: Initial status hearing is set for 6/28/2017 at 9:00 a.m. and parties are to report the following: (1) Possibility of settlement in the case; (2) If no possibility of settlement exists, the nature and length of discovery necessary to get the case ready for trial. Plaintiff is to advise all other parties of the courts action herein. Lead counsel is directed to appear at this status hearing. The parties are requested to file a joint status report at least two days prior to the initial status. For further details see the Court's website available at www.ilnd.uscourts.gov. Mailed notice (cdh, ) (Entered: 04/13/2017) |
| 04/14/2017 | <u>10</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-13071311. (Attachments: # <u>1</u> Supplement Description of inactive status)(Levenson, Freda) (Entered: 04/14/2017)  |
| 04/17/2017 | <u>11</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-13075413. (Rothert, Anthony) (Entered: 04/17/2017)  |
| 04/19/2017 | <u>12</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-13084260. (Sharp, William) (Entered: 04/19/2017)  |
| 04/21/2017 | <u>13</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-13097188. (Miller, Amy) (Entered: 04/21/2017)   |
| 04/21/2017 | <u>14</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-13097431. <i>Gordon, John</i> (Gordon, John) (Entered: 04/21/2017)  |
| 05/01/2017 | <u>15</u> | SUMMONS Returned Executed by American Civil Liberties Union of Nebraska, American Civil Liberties Union of Iowa, American Civil Liberties Union of Ohio, American Civil Liberties Union of Wisconsin, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Indiana, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Illinois, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri as to U.S. Customs   |



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|            |           | and Border Protection served on 4/13/2017, answer due 6/12/2017 (Spears, Natalie) (Entered: 05/01/2017)  |
| 05/01/2017 | <u>16</u> | SUMMONS Returned Executed by American Civil Liberties Union of Nebraska, American Civil Liberties Union of Iowa, American Civil Liberties Union of Ohio, American Civil Liberties Union of Wisconsin, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Indiana, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Illinois, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri as to U.S. Department of Homeland Security served on 4/13/2017, answer due 6/12/2017 (Spears, Natalie) (Entered: 05/01/2017)  |
| 05/08/2017 | <u>17</u> | ATTORNEY Appearance for Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security by Matthew Joseph Berns (Berns, Matthew) (Entered: 05/08/2017)   |
| 05/08/2017 | <u>18</u> | ATTORNEY Appearance for Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security by Patil Adinath Chetan (Chetan, Patil) (Entered: 05/08/2017)  |
| 05/08/2017 | <u>19</u> | NOTICE by U.S. Customs and Border Protection, U.S. Department of Homeland Security of <i>Motion filed with the JPML to Transfer Action Pursuant to 28 U.S.C. 1407</i> (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit Transfer Motion, # <u>3</u> Exhibit Supporting Memorandum, # <u>4</u> Exhibit Schedule of Actions)(Chetan, Patil) (Entered: 05/08/2017)   |
| 05/10/2017 | <u>20</u> | MOTION by Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security for extension of time to file answer regarding complaint,, <u>1</u> ( <i>UNOPPOSED</i> ) (Berns, Matthew) (Entered: 05/10/2017)  |
| 05/10/2017 | <u>21</u> | NOTICE of Motion by Matthew Joseph Berns for presentment of motion for extension of time to file answer, motion for relief <u>20</u> before Honorable Robert M. Dow Jr. on 5/16/2017 at 09:15 AM. (Berns, Matthew) (Entered: 05/10/2017)   |
| 05/11/2017 | <u>22</u> | DEFENDANTS' Motion for Transfer of actions Pursuant to 28 U.S.C. §1407 for coordinated or consolidated Pretrial Proceedings (Attachments: # <u>1</u> Memorandum of Law in support of Defendants' motion for transfer of actions Pursuant to 28 U.S.C. §1407, # <u>2</u> Schedule of Actions, # <u>3</u> Proof of Service) (ph, ) (Entered: 05/12/2017)   |
| 05/12/2017 | <u>23</u> | MOTION by Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security to stay <i>proceedings pending decision on motion to transfer</i> (Attachments: # <u>1</u> Memorandum of Law)(Berns, Matthew) (Entered: 05/12/2017)  |
| 05/12/2017 | <u>24</u> | NOTICE of Motion by Matthew Joseph Berns for presentment of motion to stay <u>23</u> before Honorable Robert M. Dow Jr. on 5/18/2017 at 09:15 AM. (Berns, Matthew) (Entered: 05/12/2017)   |
| 05/15/2017 | <u>25</u> | MINUTE entry before the Honorable Robert M. Dow, Jr: Unopposed motion by defendants for extension of time to respond to complaint <u>20</u> is granted. Notice of motion date of 5/16/2017 is stricken and no appearances are necessary on that date. Mailed notice (cdh, ) (Entered: 05/15/2017)  |
| 05/15/2017 | <u>26</u> | MINUTE entry before the Honorable Robert M. Dow, Jr: Freda J. Levenson's motion for leave to appear pro hac vice on behalf of American Civil Liberties Union of Ohio <u>10</u> is granted. Anthony E. Rothert's motion for leave to appear pro hac vice on behalf of American Civil Liberties Union of Missouri <u>11</u> is granted. William E. Sharp's motion for leave to appear pro hac vice on behalf of American Civil Liberties Union of Kentucky <u>12</u> is granted. Amy A. Miller's motion for leave to appear pro hac vice on behalf of American Civil Liberties Union of Nebraska <u>13</u> is granted. John B. Gordon's motion for leave to appear pro hac vice on behalf of American Civil Liberties Union of Minnesota <u>14</u> is granted. Mailed notice (cdh, ) (Entered: 05/15/2017) |
| 05/18/2017 | <u>27</u> | MINUTE entry before the Honorable Robert M. Dow, Jr: Motion hearing held. Mr. Jason Bastill participates by telephone. Plaintiffs are given until 5/30/2017 to respond to the Defendants' motion to stay proceedings pending decision on motion to transfer <u>23</u> . Defendants are given until 6/7/2017 to reply. After the Court reviews the parties responsive pleadings, the Court will either issue a ruling by mail or the courtroom deputy will contact counsel to set a mutually agreed upon date for further hearing on  |

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|            |           | the motion. Mailed notice (cdh, ) (Entered: 05/18/2017)  |
| 05/25/2017 | <u>28</u> | MINUTE entry before the Honorable Robert M. Dow, Jr: On the Courts own motion, status hearing set for 6/28/2017 is stricken and reset to 6/29/2017 at 9:30 a.m. Mailed notice (cdh, ) (Entered: 05/25/2017)  |
| 05/30/2017 | <u>29</u> | RESPONSE by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin Opposition to MOTION by Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security to stay <i>proceedings pending decision on motion to transfer 23</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Kabat, Patrick) (Entered: 05/30/2017) |
| 05/30/2017 | <u>30</u> | NOTICE by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin ( <i>Plaintiff's Notice of Opposition and Joinder in Request Filed with the United States Judicial Panel on Multidistrict Litigation</i> ) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Kabat, Patrick) (Entered: 05/30/2017)   |
| 06/02/2017 | <u>31</u> | AMENDED NOTICE of Appearance by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin (Attachments: # <u>1</u> Proof of Service, # <u>2</u> Notice of Appearance, # <u>3</u> Proof of Service, # <u>4</u> Memorandum of Law, # <u>5</u> Proof of Service, # <u>6</u> Request, # <u>7</u> Proof of Service, # <u>8</u> Proof of Service, # <u>9</u> Statement) (mma, ) (Entered: 06/05/2017)                          |
| 06/06/2017 | <u>32</u> | NOTICE by All Defendants of <i>Filing JPML Reply Brief</i> (Attachments: # <u>1</u> JPML Reply Brief)(Berns, Matthew) (Entered: 06/06/2017)  |
| 06/07/2017 | <u>33</u> | NOTICE of Supplemental Authority by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin (Attachments: # <u>1</u> Exhibit A)(Kabat, Patrick) (Docket Text Modified on 6/8/2017 by Clerk's Office) (eaa, ). (Entered: 06/07/2017)  |
| 06/07/2017 | <u>34</u> | REPLY by U.S. Customs and Border Protection, U.S. Department of Homeland Security to MOTION by Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security to stay <i>proceedings pending decision on motion to transfer 23</i> (Chetan, Patil) (Entered: 06/07/2017)  |
| 06/19/2017 | <u>35</u> | NOTICE by All Defendants of <i>Decision in Related Case</i> (Attachments: # <u>1</u> District of Maine Order)(Berns, Matthew) (Entered: 06/19/2017)  |
| 06/22/2017 | <u>36</u> | Notice of Recent Decisions by U.S. Customs and Border Protection, U.S. Department of Homeland Security (Attachments: # <u>1</u> Central District of California Opinion, # <u>2</u> District of Oregon Opinion)(Berns, Matthew) (Entered: 06/22/2017)   |
| 06/23/2017 | <u>37</u> | Notice of Supplemental Authority by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin (Attachments: #  |

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|            |           | <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kinsella, Kathleen) (Entered: 06/23/2017)  |
| 06/26/2017 | <u>38</u> | NOTICE by U.S. Customs and Border Protection, U.S. Department of Homeland Security of <i>Decisions in Related Cases</i> (Attachments: # <u>1</u> Eastern District of Virginia Order)(Chetan, Patil) (Entered: 06/26/2017)  |
| 06/27/2017 | <u>39</u> | STATUS Report <i>Joint Status Report</i> by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin (Kinsella, Kathleen) (Entered: 06/27/2017)   |
| 06/28/2017 | <u>40</u> | MINUTE entry before the Honorable Robert M. Dow, Jr: Defendants' motion to stay <u>23</u> is granted. The parties are directed to inform the Court as soon as practicable after the Judicial Panel on Multidistrict Litigation issues its ruling on the pending motion to transfer. If the transfer motion is denied, this case will be set for further status hearing on the first available date. The status hearing on 6/29/2017 is stricken and no appearances are necessary on that date. For further details see the Order. Mailed notice (cdh, ) (Entered: 06/28/2017)  |
| 06/28/2017 | <u>41</u> | ORDER Signed by the Honorable Robert M. Dow, Jr. on 6/28/2017. Mailed notice(cdh, ) (Entered: 06/28/2017)  |
| 07/05/2017 | <u>42</u> | NOTICE by Rebecca Kim Glenberg of Change of Address (Glenberg, Rebecca) (Entered: 07/05/2017)  |
| 07/10/2017 | <u>43</u> | AMENDED NOTICE of Presentation or Waiver of Oral Argument filed by Thomas R. Burke (ew, ) (Entered: 07/11/2017)  |
| 08/02/2017 | <u>44</u> | ORDER DENYING TRANSFER. (jjr, ) (Entered: 08/02/2017)  |
| 08/04/2017 | <u>45</u> | MINUTE entry before the Honorable Robert M. Dow, Jr: Status hearing set for 8/10/2017 at 10:45 a.m. Mailed notice (ber, ) (Entered: 08/04/2017)  |
| 08/18/2017 | <u>46</u> | MOTION by Plaintiffs American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin for extension of time to file ( <i>Joint Motion for Extension of Time to File Joint Status Report</i> ) (Spears, Natalie) (Entered: 08/18/2017) |
| 08/18/2017 | <u>47</u> | NOTICE of Motion by Natalie J. Spears for presentment of motion for extension of time to file,, <u>46</u> before Honorable Robert M. Dow Jr. on 8/29/2017 at 09:15 AM. (Spears, Natalie) (Entered: 08/18/2017)   |
| 08/21/2017 | <u>48</u> | STATUS Report ( <i>Joint</i> ) by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin (Spears, Natalie) (Entered: 08/21/2017)  |
| 08/22/2017 | <u>49</u> | ENTERED in Error. ANSWER to Complaint by U.S. Customs and Border Protection, U.S. Department of Homeland Security(Berns, Matthew) Docket text modified on 8/23/2017 (ags, ). (Entered: 08/22/2017)   |
| 08/22/2017 | <u>50</u> | ANSWER to Complaint by U.S. Customs and Border Protection, U.S. Department of Homeland Security(Berns, Matthew) (Entered: 08/22/2017)  |
| 08/23/2017 | <u>51</u> | MOTION by Attorney Patrick S. Kabat to withdraw as attorney for American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American   |

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|            |           | Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin. No party information provided (Spears, Natalie) (Entered: 08/23/2017)   |
| 08/23/2017 | <u>52</u> | NOTICE of Motion by Natalie J. Spears for presentment of motion to withdraw as attorney,, <u>51</u> before Honorable Robert M. Dow Jr. on 8/30/2017 at 09:15 AM. (Spears, Natalie) (Entered: 08/23/2017)  |
| 08/25/2017 | <u>53</u> | ORDER: Joint motion for extension of time to file joint status report <u>46</u> is granted. Plaintiffs' motion to withdraw appearance of Patrick S. Kabat <u>51</u> is granted. Notice of motion date of 8/30/17 is stricken and no appearances are necessary on that date. Signed by the Honorable Robert M. Dow, Jr on 8/25/2017. Mailed notice (ew, ) (Entered: 08/25/2017)  |
| 09/15/2017 | <u>54</u> | MOTION to Set Production Schedule by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin (Kinsella, Kathleen) (Docket Text Modified by Clerk's Office)Modified on 9/15/2017 (pk, ). (Entered: 09/15/2017)   |
| 09/15/2017 | <u>55</u> | MEMORANDUM in Support of Plaintiffs' Motion to Set Production Schedule (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Kinsella, Kathleen) (Entered: 09/15/2017)  |
| 09/15/2017 | <u>56</u> | NOTICE of Motion by Kathleen V. Kinsella for presentment of motion for miscellaneous relief,, <u>54</u> before Honorable Robert M. Dow Jr. on 9/20/2017 at 09:15 AM. (Kinsella, Kathleen) (Entered: 09/15/2017)   |
| 09/20/2017 | <u>59</u> | MINUTE entry before the Honorable Robert M. Dow, Jr: Status hearing held. Mr. Chetan participates by telephone. By 9/21/17, Mr. Chetan will send Ms. Kinsella and Ms. Spears the list of the 12 positions so that counsel may meet and confer on the selection of custodians and other issues that will move the discovery forward in this case. Every week going forward, parties are directed to have a conversation regarding the search terms and any other issues. By 10/20/17, parties shall submit a joint status report with an update on discovery progress, proposed search terms, and proposed deadlines for production. After reviewing the status report, a status hearing will be set before Judge Dow and/or Magistrate Judge Weisman, to whom this case is referred for all discovery motions and supervision and settlement conference if requested. Mailed notice (cdh, ) (Entered: 09/22/2017) |
| 09/22/2017 | <u>57</u> | EXECUTIVE COMMITTEE ORDER: Case referred to the Honorable M. David Weisman for motion # <u>54</u> . Signed by Executive Committee on 09/22/2017. (bg, ) (Entered: 09/22/2017)   |
| 09/22/2017 | <u>58</u> | MINUTE entry before the Honorable M. David Weisman: This case has been referred to Magistrate Judge Weisman for the purposes of discovery supervision, to conduct a settlement conference, and all discovery motions, including plaintiffs' motion to set production schedule <u>54</u> . Motion hearing set for 9/28/17 at 9:00 a.m. Mailed notice (ao,) (Entered: 09/22/2017)   |
| 09/28/2017 | <u>60</u> | MINUTE entry before the Honorable M. David Weisman: Motion hearing held. Plaintiff's motion to set production schedule <u>54</u> is entered and continued. Status hearing set for 10/2/17 at 11:00 a.m. for continued discussions on plaintiff's motion <u>54</u> . Defense counsel may appear by phone and shall provide contact information at least one day prior to the hearing to the courtroom deputy, Alyssia Owens, at Alyssia_Owens@ilnd.uscourts.gov. Mailed notice (ao,) (Entered: 09/29/2017)   |
| 10/02/2017 | <u>61</u> | MINUTE entry before the Honorable M. David Weisman: Magistrate Judge Status hearing held. For the reason's stated on record, the Court request the following: (1) Defendant should file a memorandum of law on aggregation to the court for its review; (2) Parties shall continue to follow the weekly meet and confers ordered by Judge Dow; (3) Although, the parties have agreed to start with a review of 12 custodian, it is understood by agreement that plaintiffs are not limited to those 12 custodians in seeking its relief; (4) Parties will agree on certain "search terms" to use to identify responsive documents. Plaintiff's motion to set production schedule <u>54</u> is entered and   |



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|            |           | continued. Status hearing set for 10/24/17 at 10:00 a.m. Any counsel so wishing may appear by phone and shall provide contact information at least three day prior to the hearing to the courtroom deputy, Alyssia Owens, at Alyssia_Owens@ilnd.uscourts.gov. Mailed notice (ao,) (Entered: 10/03/2017)   |
| 10/11/2017 | <u>62</u> | MEMORANDUM by U.S. Customs and Border Protection, U.S. Department of Homeland Security <i>re Aggregation of FOIA requests</i> (Patil, Chetan) (Entered: 10/11/2017)   |
| 10/17/2017 | <u>63</u> | MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-13689023. (Gatnarek, Heather) (Entered: 10/17/2017)   |
| 10/17/2017 | <u>64</u> | MOTION by Attorney William E. Sharp to withdraw as attorney for American Civil Liberties Union of Kentucky. No party information provided (Attachments: # <u>1</u> Text of Proposed Order)(Sharp, William) (Entered: 10/17/2017)  |
| 10/20/2017 | <u>65</u> | STATUS Report ( <i>Joint</i> ) by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin (Attachments: # <u>1</u> Exhibit 1)(Spears, Natalie) (Entered: 10/20/2017)  |
| 10/23/2017 | <u>66</u> | RESPONSE by Plaintiffs American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin to memorandum <u>62</u> ( <i>Response to Defendants' Memorandum of Law Regarding Aggregation</i> ) (Spears, Natalie) (Entered: 10/23/2017)   |
| 10/24/2017 | <u>67</u> | MINUTE entry before the Honorable M. David Weisman: Magistrate Judge Status hearing held. The Court sets the following briefing schedule for Plaintiffs' motion to set production schedule <u>54</u> : Defendants' response shall be filed by COB on 11/6/17. Plaintiff may file a reply by the COB on 11/13/17. Motion hearing set for 11/15/17 at 2:00 p.m. Parties shall be prepared to present oral arguments at the hearing. Mailed notice (ao,) (Entered: 10/24/2017)   |
| 10/31/2017 | <u>68</u> | MINUTE entry before the Honorable M. David Weisman: A recent solicitation from the ACLU to join the ACLU that the Court received at my residence, prompted the Court to remember attending an ACLU luncheon in circa 2015 (prior to joining the bench) and having appeared in a 2013 case in which co-counsel included a member of the Roger Baldwin Foundation of the ACLU. See <i>Lee v. Orr</i> , 13 C 8719 (N.D. Ill.). The Court does not see this issue as a conflict but informs the parties of it in case any party has a different view. See, e.g., <i>Promega Corp. v. Applied Biosystems</i> , No. 12-cv- 049-wmc, 2012 WL 12995793 (W.D. Wis. Dec. 4, 2012). For completeness of the record, the Court also notes that I spent approximately 15 years working for the U.S. Department of Justice in various positions prior to joining the bench. Mailed notice (ao,) (Entered: 10/31/2017) |
| 11/06/2017 | <u>69</u> | RESPONSE by U.S. Customs and Border Protection, U.S. Department of Homeland Security in Opposition to MOTION <u>54</u> (Attachments: # <u>1</u> Exhibit 1 – Transcript of Proceedings, # <u>2</u> Exhibit 2 – Declaration)(Patil, Chetan) (Entered: 11/06/2017)   |
| 11/13/2017 | <u>70</u> | REPLY by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin to response in opposition to motion <u>69</u> ( <i>Plaintiffs Reply in Support of Motion to Set Production Schedule</i> ) (Spears, Natalie) (Entered: 11/13/2017)  |
| 11/15/2017 |           | ORAL MOTION to withdraw Matthew Joseph Berns as attorney for U.S. Customs and Border Protection, U.S. Department of Homeland Security. (ao,) (Entered: 11/15/2017)  |

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|            |           | 11/16/2017)  |
| 11/15/2017 | <u>71</u> | MINUTE entry before the Honorable M. David Weisman: Motion hearing held. For the reasons stated on the record, the Court enters and continues Plaintiffs' motion to set production schedule <u>54</u> to 11/21/17 at 10:00 a.m. Plaintiffs' counsel shall meet with her client to confirm that Plaintiff accepts the current set of search terms as constituting a "reasonable effort" by Defendant, subject to extraordinary circumstances that would be needed to justify future search requests. Defense counsel shall consult with client to determine Defendants' production capacity and the type of information that can be accurately represented in a monthly report to the Court describing the allocation of resources used to complete the FOIA review and production in this matter and/or related litigation. Defendants' oral motion to withdraw Matthew Berns as counsel for Defendants is granted without objection. Any counsel so wishing may appear by phone at the next hearing and shall provide contact information at least three days prior to the hearing to the courtroom deputy, Alyssia Owens at Alyssia_Owens@ilnd.uscourts.gov. The Court appreciates all counsel's efforts to reasonably resolve the issues presented in this matter. Mailed notice (ao,) (Entered: 11/16/2017)  |
| 11/20/2017 | <u>72</u> | RESPONSE by Plaintiffs American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin to order on motion for miscellaneous relief,,,,,, order on motion to withdraw as attorney,,,,,, motion hearing,,,,,, set motion and R&R deadlines/hearings,,,,,, add and terminate attorneys,,,,, <u>71</u> (Plaintiffs' Response to the Court's Request in it's Minute Order of November 16, 2017) (Spears, Natalie) (Entered: 11/20/2017)   |
| 11/21/2017 | <u>73</u> | MINUTE entry before the Honorable M. David Weisman: Motion hearing held. For the reasons stated on the record, the Court grants Plaintiffs' motion to set production schedule <u>54</u> . By the 15th of every month or the closest business day thereto, Defendants shall file a brief status report with the Court regarding the following information from the previous month: (1) the number of full-time employees at both the Level 1 and Level 2 review levels who have worked on the FOIA request as to the Executive Order itself over the preceding month; (2) the number of hours that the OCC attorneys worked on the project during the preceding month; and (3) the number of pages processed of the four "priority" record custodians in this case. As of 11/21/17, Defendants shall process 950 pages per month, with the first reporting period ending 12/31/17. Defendants' first status report is due 1/16/18. Plaintiffs agree that the current set of search terms is reasonable for the expedited review of the email accounts of the four prioritized custodians. Plaintiffs confirm that they will not request that Defendants run additional search terms as to these four prioritized custodians absent exceptional circumstances. Status hearing set for 6/20/18 at 9:15 a.m. Mailed notice (ao,) (Main Document 73 replaced on 11/28/2017) Modified on 11/28/2017 (ao,). (Entered: 11/28/2017) |
| 01/04/2018 | <u>74</u> | TRANSCRIPT OF PROCEEDINGS held on 10/24/2017 before the Honorable M. David Weisman. Order Number: 28813. Court Reporter Contact Information: ALEXANDRA ROTH, alexandra_roth@ilnd.uscourts.gov, (312) 408-5038.<br><br>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.<br><br>Redaction Request due 1/25/2018. Redacted Transcript Deadline set for 2/5/2018. Release of Transcript Restriction set for 4/4/2018. (Roth, Alexandra) (Entered: 01/04/2018)   |
| 01/12/2018 | <u>75</u> | TRANSCRIPT OF PROCEEDINGS held on 11/21/17 before the Honorable M. David Weisman. Order Number: 29557. Court Reporter Contact Information: Patrick Mullen, (312) 435-5565, patrick_mullen@ilnd.uscourts.gov.   |

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|            |           | <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at <a href="http://www.ilnd.uscourts.gov">www.ilnd.uscourts.gov</a> under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 2/2/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/12/2018. (Mullen, Patrick) (Entered: 01/12/2018)</p> |
| 01/16/2018 | <u>76</u> | STATUS Report by U.S. Customs and Border Protection, U.S. Department of Homeland Security (Attachments: # <u>1</u> Declaration)(Patil, Chetan) (Entered: 01/16/2018)  |
| 02/15/2018 | <u>77</u> | STATUS Report by U.S. Customs and Border Protection, U.S. Department of Homeland Security (Attachments: # <u>1</u> Declaration)(Patil, Chetan) (Entered: 02/15/2018)  |
| 03/14/2018 | <u>78</u> | STATUS Report by U.S. Customs and Border Protection, U.S. Department of Homeland Security (Attachments: # <u>1</u> Declaration)(Patil, Chetan) (Entered: 03/14/2018)  |
| 04/10/2018 | <u>79</u> | MINUTE entry before the Honorable Robert M. Dow, Jr: Heather Gatnarek's motion for leave to appear pro hac vice <u>63</u> is granted. Attorney William E. Sharp's motion to withdraw as counsel <u>64</u> is granted. Mailed notice (cdh, ) (Entered: 04/10/2018)   |
| 04/16/2018 | <u>80</u> | STATUS Report by U.S. Customs and Border Protection, U.S. Department of Homeland Security (Attachments: # <u>1</u> Declaration)(Patil, Chetan) (Entered: 04/16/2018)  |
| 05/15/2018 | <u>81</u> | STATUS Report by U.S. Customs and Border Protection, U.S. Department of Homeland Security (Attachments: # <u>1</u> Declaration)(Patil, Chetan) (Entered: 05/15/2018)  |
| 06/08/2018 | <u>82</u> | ATTORNEY Appearance for Plaintiff American Civil Liberties Union of Kentucky by Corey M. Shapiro (Shapiro, Corey) (Entered: 06/08/2018)   |
| 06/15/2018 | <u>83</u> | STATUS Report by U.S. Customs and Border Protection, U.S. Department of Homeland Security (Attachments: # <u>1</u> Declaration)(Patil, Chetan) (Entered: 06/15/2018)  |
| 06/20/2018 | <u>84</u> | MINUTE entry before the Honorable M. David Weisman: Magistrate Judge Status hearing held. Parties reported that a full production of all responsive records has been made. By 7/31/18, Defendants will produce an additional 1,200 pages of non-priority custodian documents. Status hearing set for 9/10/18 at 9:15 a.m. At the next status, parties shall address any issues related to document production. Mailed notice (ao,) (Entered: 06/22/2018)  |
| 09/05/2018 | <u>85</u> | NOTICE of Motion by Chetan Adinath Patil for presentment of before Honorable M. David Weisman on 9/10/2018 at 09:15 AM. (Patil, Chetan) (Entered: 09/05/2018)   |
| 09/05/2018 | <u>86</u> | MOTION by Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security to continue <i>Status Hearing (Joint)</i> (Patil, Chetan) (Entered: 09/05/2018)   |
| 09/06/2018 | <u>87</u> | MINUTE entry before the Honorable M. David Weisman: Defendants' joint motion to continue status hearing <u>86</u> is granted. Parties shall file joint status reports on 9/28/18, 10/31/18, and 11/30/18 to keep the Court apprised of the parties' efforts to resolve or narrow the issues in dispute in this case. Status hearing set for 9/10/18 is stricken and reset to 12/18/18 at 9:15 a.m. Motion hearing set for 9/10/18 is stricken. Mailed notice (ao,) (Entered: 09/06/2018)  |
| 09/28/2018 | <u>88</u> | STATUS Report <i>Joint Status Report</i> by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties  |

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|            |           | Union of South Dakota, American Civil Liberties Union of Wisconsin (Spears, Natalie) (Entered: 09/28/2018)  |
| 10/16/2018 | <u>89</u> | NOTICE by Chetan Adinath Patil of Change of Address (Patil, Chetan) (Entered: 10/16/2018)   |
| 10/31/2018 | <u>90</u> | STATUS Report <i>Joint</i> by American Civil Liberties Union of Illinois, American Civil Liberties Union of Indiana, American Civil Liberties Union of Iowa, American Civil Liberties Union of Kentucky, American Civil Liberties Union of Minnesota, American Civil Liberties Union of Missouri, American Civil Liberties Union of Nebraska, American Civil Liberties Union of Ohio, American Civil Liberties Union of South Dakota, American Civil Liberties Union of Wisconsin (Spears, Natalie) (Entered: 10/31/2018)   |
| 11/30/2018 | <u>91</u> | STATUS Report ( <i>Joint</i> ) by U.S. Customs and Border Protection, U.S. Department of Homeland Security (Patil, Chetan) (Entered: 11/30/2018)  |
| 12/18/2018 | <u>92</u> | MINUTE entry before the Honorable M. David Weisman: Magistrate Status hearing held. Parties reported that they are optimistic about resolving the matter, both substantively and with respect to attorneys' fees. Status hearing set for 2/6/19 at 9:15 a.m. If defense counsel would like to appear by phone at the next hearing, he must provide contact information at least three days prior to the hearing to the courtroom deputy, Alyssia Owens, at Alyssia_Owens@ilnd.uscourts.gov. Mailed notice (ao,) (Entered: 12/19/2018)   |
| 12/26/2018 | <u>93</u> | GENERAL ORDER 18-0028 dated 12/26/18: IT IS HEREBY ORDERED, effective December 26, 2018, that all civil litigation involving as a party the United States of America, is immediately suspended, postponed and held in abeyance continuing for a period of fourteen (14) days from the date of entry of this General Order (For Further Details See Attached Order). Signed by the Honorable Ruben Castillo on 12/26/2018: Mailed notice. (sm, ) (Entered: 12/30/2018)   |
| 01/08/2019 | <u>94</u> | AMENDED GENERAL ORDER 18-0028 dated 01/08/2019: On December 26, 2018, General Order 18-0028 was entered. It appearing that the lapse of congressional appropriations funding the federal government continues, therefore General Order 18-0028 is now amended. (For Further Details See Attached Order). Signed by the Honorable Ruben Castillo on 1/8/2019: Mailed notice. (sm, ) (Entered: 01/08/2019)  |
| 01/28/2019 | <u>95</u> | GENERAL ORDER 19-0004: RESETTING OF DEADLINES IN CIVIL MATTERS INVOLVING THE UNITED STATES AS A PARTY. IT APPEARING THAT as a result of the partial federal government shutdown, this Court amended General Order 18-0028 suspending as of December 21, 2018, all civil litigation in which the United States of America, its agencies, its officers, or employees were parties, with the stated intention of clarifying schedules in such cases upon the expiration of the lapse in appropriations; and IT FURTHER APPEARING THAT appropriations having been restored to fund the Department of Justice and other Executive Branch agencies, with employees beginning to report for work beginning on January 28, 2019; accordingly IT IS THEREFORE ORDERED that the stay entered by General Order 18-0028 is hereby lifted, and any and all deadlines in the affected civil litigation (whether established by order, rule, or agreement.), including but not limited to any scheduled discovery and pleading dates, are extended by 42 days. (For Further Details See Attached Order). Signed by the Honorable Ruben Castillo on 1/28/2019: Mailed notice. (mgw, ) (Entered: 01/28/2019) |
| 02/06/2019 | <u>96</u> | MINUTE entry before the Honorable M. David Weisman: Magistrate Status hearing held. Parties reported that they have reached an agreement as to the substantive issues involved (i.e. the adequacy of the Government's document search). The only remaining issue to resolve concerns attorneys' fees. Status hearing set for 4/9/19 at 9:15 a.m. If defense counsel would like to appear by phone at the next hearing, he must provide contact information at least three days prior to the hearing to the Courtroom Deputy, Alyssia Owens, at Alyssia_Owens@ilnd.uscourts.gov. Mailed notice (ao,) (Entered: 02/07/2019)   |